



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

June 13, 2023

TO: Agency Directors

FROM: Pat Sullivan, Executive Director
Legislative Affairs

SUBJECT: 2024 Agency Request Legislation

On behalf of the Governor and the entire Executive Team, I want to thank you and your staff for your excellent work during the 2023 legislative session. Although that work only recently concluded, it is time already to begin development of agency request legislation for 2024.

I want to share some key information for the 2024 agency legislative request and review process. **The due date for all agency request legislation submittals is Wednesday, September 13th. Only requests submitted through the Bill Enrollment & Agency Requests System (BEARS), including all elements, will be considered** (see page 2 and <https://ofm.wa.gov/budget/other-instructions>). Proposed agency request legislation may be forwarded to the Legislature only after being approved through this process. After approval, each agency is responsible for securing legislative sponsors. For this upcoming session we want to focus on **timely requests and responses** to allow you sufficient time to manage your request bills in advance of the upcoming year. We will only be authorizing bills after September 13th on a case-by-case basis and only with prior approval. Bills without completed fiscal notes and thorough stakeholder feedback will not be forwarded for review and approval.

As this is the administration's last legislative session, please consider advancing legislation that targets addressing urgent agency needs before the end of the term. Agencies are encouraged to focus on legislation that promotes the Governor's priorities and only advance proposals that are well developed, timely and important. Proposed legislation should be fully vetted with stakeholders, OFM and the Governor's Policy Office and **have limited fiscal impacts**. A supplemental budget year is not the time for good ideas with fiscal impacts unless the proposals meet a high priority objective of the Governor. Now would be a good time to develop agency request proposals that would reduce non-priority programs, reports, task forces and out-of-date statutes so the agency can focus on strategic priorities. Proposals with larger fiscal impact must be approved by OFM and the Governor's Policy Office, prior to submission.

For agencies subject to the Health Environment for All Act (HEAL Act) requirements of Chapter 70A.02 RCW, request legislation is considered a significant agency action for which an environmental justice assessment must be completed. Please see the HEAL Act Agency Request Legislation Addendum for additional guidance.

Please make time to start discussing agency request proposals with your contacts in the Governor's Policy Office and the OFM Budget Division. If you have questions concerning the process, don't hesitate to call me.

cc: Legislative Liaisons
Robert Duff, Policy Director
Sheri Sawyer, Deputy Director, Policy & Outreach
Nona Snell, OFM Assistant Director, Budget
Roselyn Marcus, OFM Legal and Legislative Affairs Assistant Director
K.D. Chapman-See, OFM Legislative Director



Agency Request Legislation – 2024 Legislative Session

REQUIRED ELEMENTS CHECKLIST

Legislative proposals will not be reviewed until a complete package is submitted in BEARS.

Agency heads must review and approve each legislative proposal prior to submittal. Proposals requiring commission or advisory committee endorsements should be presented well in advance to ensure submittals meet the deadline.

A complete package includes:

- A statement that explains why you need the bill, what problem the bill is designed to correct, and how it is tied to a Governor's priority.
- A summary of major provisions in the draft bill and impacts on current law.
- Irrespective of whether a bill has a fiscal impact, a completed fiscal note from each of the affected state agency(s), including local government (coordinate with Department of Commerce).
- The official Code Reviser draft of the proposed legislation containing a Z-draft number. (If revisions are made during the review process, submit the requisite copy in BEARS as soon as it is available and update the system for relevant Z-draft number).
- Agency's budget decision package (if the legislation is tied to a budget request).
- Responses to the Equity Consideration questions.

The following information must be entered in the Agency Contacts and Stakeholders fields in the Bill Enrollment & Agency Requests System (BEARS). Include position titles, agency names, entity names, phone numbers and any other pertinent information in the "Description" field.

- Names, titles, and phone numbers for subject matter experts in your agency who are available to answer policy and fiscal impact questions related to the proposed bill.
- The agency's Assistant Attorney General who reviewed the proposed bill draft.
- All state and local government agencies and other stakeholders affected by the proposed bill, their positions, and each agency or entity's representative (and contact information) who may speak to the issue(s).
- Stakeholder work is required prior to submittal. Proposals without adequate stakeholder work and analysis will be rejected. Stakeholders (e.g., constituent groups, advocacy organizations, tribal governments) must be entered into the system. Provide contact person name, entity name, their position and any concerns.



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

Equity Consideration Questions

1. Please describe specifically how this proposal is likely to benefit or impact communities and populations who have historically been excluded and marginalized by governmental decisions.
2. Please describe how your agency assessed which communities and populations may be harmed or excluded by this proposal.
3. If there are communities or populations that may be harmed or excluded by this proposal, please describe how your agency evaluated those potential harms and how the harms or exclusion will be addressed.
4. Describe how your agency conducted outreach to and engaged with communities and populations who have historically been excluded and marginalized by governmental decisions in developing this proposal.
5. Please summarize community input received and how your agency considered and/or incorporated this input into your proposal.

For agencies covered by the HEAL Act, please also incorporate environmental and health impacts and consideration of overburdened communities and vulnerable populations into your responses to the equity questions above.



HEAL Act Covered Agency Addendum to Required Elements Checklist

The HEAL Act (Chapter 70A.02 RCW) requires that “covered and opt in agencies” must implement the requirements of the act. This includes the:

- Departments of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of Attorney General

After July 1, 2023, HEAL Act agencies considering initiating a significant agency action, including the submission of agency request legislation to the Office of the Governor or OFM, must conduct an environmental justice assessment. This includes providing opportunities for public comment and soliciting feedback from members of overburdened communities and vulnerable populations as required under RCW 70A.02.060(3) and (5).

In addition to the required elements for a standard agency request legislation complete package in BEARS, HEAL Act covered agencies must also attach:

- Attach a copy of the environmental justice assessment.
- Ensure responses to the equity considerations incorporate environmental and health impacts and consideration of overburdened communities and vulnerable populations.

As a reminder, the HEAL Act also requires covered agencies to:

- Offer consultation with federally recognized tribes on any significant agency action, including submission of agency request legislation, that affect federally recognized tribes (RCW 70A.02.100).
- file a notice with OFM of significant agency actions for which the agency is initiating an environmental justice assessment, as required under RCW 70A.02.090(3). Information on how to provide this notice will be posted on the OFM website.